



General Assembly

January Session, 2009

Committee Bill No. 724

LCO No. 4698

04698SB00724JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING IMMUNITY FOR CERTAIN VOLUNTEERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-141 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in this chapter:

4 (1) "Claim" means a petition for the payment or refund of money by
5 the state or for permission to sue the state; ["just claim"]

6 (2) "Just claim" means a claim which in equity and justice the state
7 should pay, provided the state has caused damage or injury or has
8 received a benefit; ["person"]

9 (3) "Person" means any individual, firm, partnership, corporation,
10 limited liability company, association or other group, including
11 political subdivisions of the state; ["state agency"]

12 (4) "State agency" includes every department, division, board, office,
13 commission, arm, agency and institution of the state government,
14 whatever its title or function; and ["state officers and employees"]

15 (5) "State officers and employees" includes every person elected or
16 appointed to or employed in any office, position or post in the state
17 government, whatever such person's title, classification or function
18 and whether such person serves with or without remuneration or
19 compensation, including judges of probate courts, employees of such
20 courts and special limited conservators appointed by such courts
21 pursuant to section 17a-543a. In addition to the foregoing, "state
22 officers and employees" includes attorneys appointed as victim
23 compensation commissioners, attorneys appointed by the Public
24 Defender Services Commission as public defenders, assistant public
25 defenders or deputy assistant public defenders and attorneys
26 appointed by the court as special assistant public defenders, the
27 Attorney General, the Deputy Attorney General and any associate
28 attorney general or assistant attorney general, any other attorneys
29 employed by any state agency, any commissioner of the Superior
30 Court hearing small claims matters or acting as a fact-finder, arbitrator
31 or magistrate or acting in any other quasi-judicial position, any person
32 appointed to a committee established by law for the purpose of
33 rendering services to the Judicial Department, including, but not
34 limited to, the Legal Specialization Screening Committee, the State-
35 Wide Grievance Committee, the Client Security Fund Committee, the
36 advisory committee appointed pursuant to section 51-81d and the
37 State Bar Examining Committee, any member of a multidisciplinary
38 team established by the Commissioner of Children and Families
39 pursuant to section 17a-106a, [and] any physicians or psychologists
40 employed by any state agency, and any volunteer, as defined in section
41 4-61hh. "State officers and employees" ~~[shall]~~ does not include any
42 medical or dental intern, resident or fellow of The University of
43 Connecticut when ~~[(1)]~~ (A) the intern, resident or fellow is assigned to
44 a hospital affiliated with the university through an integrated
45 residency program, and ~~[(2)]~~ (B) such hospital provides protection
46 against professional liability claims in an amount and manner
47 equivalent to that provided by the hospital to its full-time physician
48 employees.

49 Sec. 2. Section 4-165 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2009*):

51 (a) No state officer or employee shall be personally liable for
52 damage or injury, not wanton, reckless or malicious, caused in the
53 discharge of his or her duties or within the scope of his or her
54 employment. Any person having a complaint for such damage or
55 injury shall present it as a claim against the state under the provisions
56 of this chapter.

57 (b) For the purposes of this section, (1) "scope of employment"
58 includes, but is not limited to, (A) representation by an attorney
59 appointed by the Public Defender Services Commission as a public
60 defender, assistant public defender or deputy assistant public defender
61 or an attorney appointed by the court as a special assistant public
62 defender of an indigent accused or of a child on a petition of
63 delinquency, (B) representation by such other attorneys, referred to in
64 section 4-141, as amended by this act, of state officers and employees in
65 actions brought against such officers and employees in their official
66 and individual capacities, (C) the discharge of duties as a trustee of the
67 state employees retirement system, (D) the discharge of duties of a
68 commissioner of the Superior Court hearing small claims matters or
69 acting as a fact-finder, arbitrator or magistrate or acting in any other
70 quasi-judicial position, (E) the discharge of duties of a person
71 appointed to a committee established by law for the purpose of
72 rendering services to the Judicial Department, including, but not
73 limited to, the Legal Specialization Screening Committee, the State-
74 Wide Grievance Committee, the Client Security Fund Committee, the
75 advisory committee appointed pursuant to section 51-81d and the
76 State Bar Examining Committee, [and] (F) military duty performed by
77 the armed forces of the state while under state active duty, and (G) the
78 provisions of goods or services to any state agency by a volunteer, as
79 defined in section 4-61hh; provided the actions described in
80 subparagraphs (A) to [(F)] (G), inclusive, of this subdivision arise out
81 of the discharge of the duties or within the scope of employment of

82 such officers or employees, and (2) "state employee" includes a
83 member or employee of the soil and water district boards established
84 pursuant to section 22a-315.

85 Sec. 3. Section 52-557m of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2009*):

87 (a) Any person who serves as a director, officer or trustee of a
88 nonprofit organization qualified as a tax-exempt organization under
89 Section 501(c) of the Internal Revenue Code of 1986, or any subsequent
90 corresponding internal revenue code of the United States, as from time
91 to time amended, and who is not compensated for such services on a
92 salary or prorated equivalent basis, shall be immune from civil liability
93 for damage or injury occurring on or after October 1, 1987, resulting
94 from any act, error or omission made in the exercise of such person's
95 policy or decision-making responsibilities if such person was acting in
96 good faith and within the scope of such person's official functions and
97 duties, unless such damage or injury was caused by the reckless, wilful
98 or wanton misconduct of such person.

99 (b) Any person, other than a director, officer or trustee subject to
100 subsection (a) of this section, who provides services to a nonprofit
101 organization qualified as a tax-exempt organization under Section
102 501(c) of the Internal Revenue Code of 1986, or any subsequent
103 corresponding internal revenue code of the United States, as from time
104 to time amended, and who is not compensated for such services in any
105 manner, shall be immune from civil liability for damage or injury
106 occurring on or after October 1, 2009, resulting from any act, error or
107 omission made in the exercise of such person's responsibilities in
108 providing such services if such person was acting in good faith and
109 within the scope of such person's functions and duties in providing
110 such services, unless such damage or injury was caused by the
111 reckless, wilful or wanton misconduct of such person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	4-141
Sec. 2	<i>October 1, 2009</i>	4-165
Sec. 3	<i>October 1, 2009</i>	52-557m

Statement of Purpose:

To encourage volunteerism by providing immunity for negligence that occurs while an individual is assisting a nonprofit organization or state agency on a voluntary basis.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARRIS, 5th Dist.; REP. FRITZ, 90th Dist.

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